

REMARKS

The Office Action mailed June 4, 2007 has been carefully considered and it is respectfully requested that the application be reconsidered in view of the amendments made to the claims and for the remarks herein.

Claims 1-4, 8-11 and 15 are pending and stand rejected.

Claims 1, 8, and 15 have been amended.

Rejection under 35 USC 102

The Examiner has rejected claims 1-4, 8-11 and 15 under 35 USC 102(e) as being anticipated by Young (USP no. 6,898,681). In maintaining the rejection of the claims, the Examiner states that Young teaches the "shadow store keeps record of all the point time copy of data written in the master store. The user decides whether to preserve or overwrite a point time copy of data." The Examiner further states that "contrary to the Applicant's argument, Young teaches overwriting of data in the shadow store if the user chooses to do so. ... The copy of a data block that is stored in the shadow store is copied to the master store and is overwritten and its corresponding bit in the bitmap set to 1. Then this block [is] copied back to shadow store. The old copy of data being lost. Fig. 10 more clearly describes the process of making a point in time copy for both cases of preserving and not preserving an existing time copy."

Applicant respectfully disagrees with the rejection the claims for the same arguments made in applicant's response to the rejection of the claims in the prior Office Action, which are repeated as if in full herein.

However, in order to advance the prosecution of this matter, the independent claims have been amended to explicitly recite the preservation is performed on the clone providing data during the restoring step and that if any write requests occur during the restoring step allowing the host write request to be processed as soon as the required extents have been copied from the clone to the source. No new matter has been added. Support for the amendments may be found at least on page 21, lines 4-6, which state, "Processing of the COD Queue in this manner allows host I/O requests to be processed as soon as their required extents have been copied from the Clone to the Source."

Applicant: David Haase, *et al.*
U.S.S.N.: 10/679,726
Filing Date: October 6, 2003
EMC Docket No.: EMC-03-100CIP2

It is well recognized that to constitute a rejection pursuant to 35 USC § 102, i.e., anticipation, all material elements recited in a claim must be found in one unit of prior art.

Applicant submits that the rejection of claim 1 has been overcome because Young fails to disclose a material element recited in the claims. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to the remaining independent claims, these claims recited subject matter similar to that recited in claim 1 and are also not anticipated by the teachings of Young for the same remarks made with regard to claim 1.

With regard to the remaining claims, these claims depend from the independent claims, and are also not anticipated by the teachings of Young, by virtue of their dependency upon an allowable base claim.

In view of the foregoing, the applicant believes that the application is in condition for allowance and respectfully request favorable reconsideration.

In the event the Examiner deems personal contact desirable in the disposition of this matter, the Examiner is invited to call the undersigned attorney.

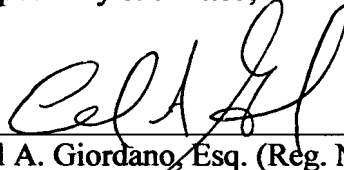
This Firm's check in the amount of \$120.00 is included for payment in filing the petition for a One month extension of time for filing this paper. No other fees are believed necessary.

A Revocation of Power of Attorney and new Power of Attorney is further submitted to allow the undersigned attorney to prosecute this matter.

Entry of the new Power of Attorney is respectfully requested.

Respectfully submitted,

Dated: October 2, 2007


Carl A. Giordano, Esq. (Reg. No. 41,780)
Attorney for Applicants
Law Office of Carl Giordano, PA
210 Route 4 East, Suite 103
Paramus, New Jersey 07652
(201) 421 0865

Applicant: David Haase, *et al.*
U.S.S.N.: 10/679,726
Filing Date: October 6, 2003
EMC Docket No.: EMC-03-100CIP2

Kindly provide all written communications to:

Carl A. Giordano, Esq.
Law Office of Carl Giordano, PA
210 Route 4 East, Suite 103
Paramus, New Jersey 07652
(201) 421 0865